

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

FILED  
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U.S. DISTRICT COURT  
DISTRICT OF MASS.

JOHN G. PEDICINI,

Plaintiff,

-vs-

UNITED STATES OF AMERICA  
ET AL.,

Defendants.

CIVIL ACTION NO. 04-12395-JLT

PLAINTIFF'S MOTION IN LIMINE TO EXCLUDE DEFENDANTS'  
WITNESSES

Plaintiff, John G. Pedicini, hereby moves this Court  
in limine to exclude, or in the alternative to limit, the  
admissibility of the following witness testimony that  
Defendants intend to offer at trial:

(1) Robert Canavan: Canavan should be excluded  
as a witness, as he can offer no testimony relevant  
to the contested issues. He was not employed as a  
Deputy Regional Administrator during the dispute  
over the Settlement Agreement and he was not  
involved in the dispute over Plaintiff's right to  
certify funds availability. His only involvement  
occurred during the issuance of the letters of  
instruction. His testimony on the letters of  
instruction should be inadmissible, as Judge Tauro  
expressly excluded such evidence in his Summary  
Judgment Order. See Summ. J. Order at 21-22.

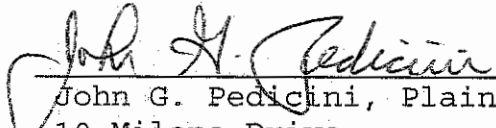
- (2) **Suzanne Biermann:** The testimony of Suzanne Biermann, Regional Administrator since December of 2005, should be excluded as completely irrelevant. Ms. Biermann was not involved in any event at issue in this case. Her name does not appear on any document. Therefore, she is unable to contribute any pertinent information on any of the disputed issues and, therefore, should be excluded as a witness at trial.
- (3) **Roger Hamilton:** The testimony of Roger Hamilton should also be excluded as irrelevant. Mr. Hamilton was not involved in any of the retaliatory events alleged by the Plaintiff. In addition, he had absolutely no involvement in the alleged breach of the settlement agreement. Therefore, as Hamilton can offer no relevant testimony with respect to the retaliatory events alleged by the Plaintiff or the alleged breach of the settlement agreement, Hamilton should be excluded as a witness at trial.
- (4) **Arthur LeBlanc:** The testimony of Arthur LeBlanc should also be excluded as irrelevant. Mr. LeBlanc has no authorized rights and no experience in the Foundation Financial Information System (FFIS) used to verify and certify funds availability for the Food and Nutrition Service. Indeed, FFIS was implemented after Mr. LeBlanc left employment as a Section Chief of the Internal Finance/Food Stamp Program in the Financial Management Unit at the Northeast Regional Office in Boston. Thus, LeBlanc's testimony should be excluded.
- (5) **Michael Malone:** The testimony of Michael Malone should be limited to the July 2004 EEO complaint by the Plaintiff, the statement in his letter of instruction dated 10/22/2004 to Plaintiff whereby he refers to Plaintiff as "Certifying Officer (IAS)", and the statement in his letter of instruction dated 10/22/2004, to Martin Hines on the assignment of funds control duties. While the letters of instruction are not a violation of Title VII, pursuant to the Summary Judgment Memorandum dated 3/29/2007, the aforementioned statements made by the Defendants hold probative

value for determining the employer's mindset on Count I -Retaliation which now comes forth to trial.

CONCLUSION

For the foregoing reasons, Plaintiff respectfully requests that this Court exclude Defendants' above-named witnesses from presenting testimony at trial and limit the testimony of Michael Malone to the Plaintiff's July 2004 EEO complaint.

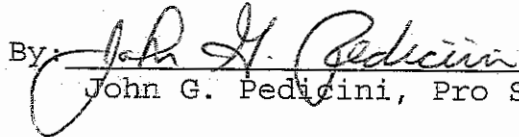
Respectfully submitted,

  
John G. Pedicini, Plaintiff Pro Se  
10 Milano Drive  
Saugus, MA 01906  
781-248-1385

7/30/07  
Date

CERTIFICATION OF SERVICE

Pursuant to L.R.5.2(b), I hereby certify that a true copy of the above document was served on the Defendants on July 30, 2007, via U.S. Government email system to: Gina Walcott-Torres, Assistant U.S. Attorney, Moakley Courthouse, 1 Courthouse Way, Suite 9200, Boston, MA 02210.

By:   
John G. Pedicini, Pro Se

7/30/07  
Date